

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

LA.App.No. 1030 of 2001()

LAR.23/1999 of SUB COURT, NEYYATTINKARA
.....

APPELLANT/CLAIMANT:

J.JAYAPALAN, RESIDING AT JAYA NIVAS,
NEAR C.S.I. CHURCH, AMARAVILA P.O.

BY ADV. SRI.L.MOHANAN
SMT.LIGEY ANTONY

RESPONDENT/RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE DISTRICT
COLLECTOR, THIRUVANANTHAPURAM

BY GOVT.PLEADER SRI.K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1030 of 2001

Dated this the 5th day of October, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed by the claimant against the judgment and decree in L.A.R.No.23/1999 on the file of the Sub Court, Neyyattinkara. The dispute is with regard to the extent of the property. According to the appellant-claimant the actual extent is 1.7 ares. But according to the acquisitioning authority what was available was only 1.43 ares. It is seen that the reference court meticulously considered the records available on record with regard to the dispute and found that Exts.B1 to B4 proved that there was meticulous survey of the actual extent by the Land Acquisition Officer and the survey plan was also prepared by the survey officials. True the appellant produced Exts.A6 to A8 tax receipts wherein the extent is shown as 1.7 ares. But as rightly observed by the reference court, apart from the documents and the oral testimony "no steps were taken by the

claimant to substantiate his contention that actually an extent of 1.7 ares of land was acquired by way of taking out a plan of the acquired property with reference to the title deed relied on by him". Be that as it may, in case the petitioner had title for 1.7 ares of land and what is acquired is only 1.43 ares, it is still open to the petitioner to take appropriate steps for finding out the balance and recovery of possession of the same. As far as the judgment under appeal is concerned, we find no merits in the appeal. Therefore, the appeal is dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

**KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.**

L.A.A.No.1030 of 2001

JUDGMENT

5th October, 2007